

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF, : CIVIL ACTION NO. 00-2248  
 :  
 Plaintiff, :  
 :  
 :  
 :  
 v. : CHIEF JUDGE AMBROSE  
 :  
 METROPOLITAN LIFE INSURANCE :  
 COMPANY AND KENNETH F. :  
 KACZMAREK, :  
 :  
 Defendants :

**METROPOLITAN LIFE INSURANCE COMPANY’S AND KENNETH F.  
KACZMAREK’S MOTION IN LIMINE TO EXCLUDE FROM EVIDENCE OF  
THE APPROVAL PROCESS OF ACCELERATED PREMIUM PLAN-RELATED  
DOCUMENTS**

## PRELIMINARY STATEMENT

Defendant Metropolitan Life Insurance Company (“MetLife”), by and through its attorneys, McCarter & English, LLP, hereby submit the following Motion in Limine to Exclude from Evidence Plaintiff’s Exhibit Nos. 23, 24 and 25, Approval Process of Accelerated Premium Plan-Related Documents:

1. Plaintiff has identified Plaintiff's Exhibits 23, 24 and 25 as Approval Process of Accelerated Premium Plan-Related Documents, copies of which are attached to the Motion as Exhibits. Plaintiff's Exhibit 23 is attached as Ex. A. Plaintiff's Exhibit 24 is attached as Ex. B. Plaintiff's Exhibit 25 is attached as Ex. C.
2. The transactions at issue occurred in 1991 and 1994. Any documents drafted in connection with the sales material approval process of the 1980 AP-related documents are irrelevant to events occurring in 1991 and 1994.

3. Plaintiff's exhibit nos. 23, 24 and 25 should be excluded for the reasons set forth more fully in defendants' Brief in Support of Motion in Limine to Exclude from Evidence Plaintiff's Exhibit Nos. 23, 24 and 25, Approval Process of Accelerated Premium Plan-Related Documents.

For the foregoing reasons, and those set forth in defendants' Brief in Support of Motion in Limine to Exclude from Evidence Plaintiff's Exhibit Nos. 23, 24 and 25, Approval Process of Accelerated Premium Plan-Related Documents, defendants respectfully request that this Honorable Court enter an Order barring the introduction or use of Plaintiff's exhibit nos. 23, 24 and 25, Approval Process of AP- Related documents.

Respectfully Submitted,

s/ B. John Pendleton, Jr.  
B. John Pendleton, Jr.  
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Attorneys for Defendants  
Metropolitan Life Insurance Company  
and Kenneth F. Kaczmarek

Dated: October 3, 2006

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 3rd day of October, 2006, a true and correct copy of the foregoing document was served on the following via the electronic filing service:

Kenneth R. Behrend, Esquire  
BEHREND & ERNSBERGER, P.C.  
Union National Bank Building, 3<sup>rd</sup> Floor  
306 Fourth Avenue  
Pittsburgh, Pennsylvania 15222

s/ B. John Pendleton, Jr.